175 According to Murray, on July fourth "thirty Sheikhs of the
648 Hanadi, the Awlad 'Ali, and the Beni'Una made their peace with the new power" (1935:30).

175 The version of history provided by my informants is
186 no radical departure from these facts. But there are a few
124 differing aspects which represent ethnocentric highlights on
(648) history. For instance, the Bedouins of al-Qasr have a few stories which exaggerate the fact that the Harabi needed the cooperation of the Turkish rulers to defeat the Awlad 'Ali and to force them out of Cyrenaica. Also, the Bedouins point out, the Jumi'at tribe begged the Awlad 'Ali to come and rescue them from the oppression of the Hanadi.

175 Shortly after 1800, Muhammad 'Ali, the Ottoman
619 viceroy, drove the French from Egypt and supported the Hanadi
648 against the Awlad 'Ali. The Egytian ruler felt that political control over the Awlad 'Ali would insure the security of the whole desert, and especially Egypt's western frontier with Libya. Despite the alliance between the Hanadi and Muhammed 'Ali's forces, the outcome was a temporary victory for the Awlad 'Ali. This event actually set the stage for a transformation of Bedouin tribal society.

175 After the defeat of the Hanadi and the Pasha's troops,
648 the Awlad 'Ali were given preferential treatment by Muhammed 'Ali. He wisely secured the Hanadi tribe in Sharqiyya Province. Then he granted the Awlad 'Ali, by right of usufruct, the

175 posts were established there, and Marsa Matruh became the
648 capital town. The Western Desert was administered by British officers who had under their command a garrison of Egyptian soldiers. Their assignment was to secure the colonial borders. This task included keeping the Awlad 'Ali within the boundaries of Egypt. The policy of the British provincial government was to avoid interfering with the Bedouin process of law and conflict regulation unless it threatened the peace and security
[124] of the desert. My informants said that the British interfered with Bedouin justice only under the threat of large-scale tribal warfare.

175 The political relationship which the Bedouins of the
795 Awlad 'Ali tribe had with the Sanusi Order of Islam in Libya
[619] was historically not so important compared to that of the other Cyrenaican tribes. The Sanusi Order, classified as a Sufi _tariiqa_ ("mystic order"), was actually quite orthodox in its attitudes and practices. This is a function of the socio-religious conditions of its origin during the 18th-19th century revival of orthodoxy in Islamic Arabia (Gibb 1955:
[793] 127-145). Muhammad bin 'Ali al-Sanusi founded his order, al-Sanusiyya, near Mecca around the year 1837. The Sanusi doctrine may be considered orthodox, or secularly oriented, in that it rejects the fundamental goal of Sufism, mystical union with God.

The Sanusi Order, from the very beginning, strove for a return to pure Islam. It made its greatest headway among

175 bat from al-Qasr joined the Sanusi army. The importance of
795 their contribution to the Sanusi effort is vague, even though
648 most of my informants claimed that their fathers "fought the British." Some of the al-Qasr activity was on a part-time basis. One informant, whose father was the paramount leader [124] of the 'Aishaibat tribe in 1916, told me that his father "used to take his rifle and ride out every morning to join the troops of Sayyid Ahmad al-Sharif (the grandson of al-Sanusi al-kabiir), and there he would kill many British soldiers. Then he would come home again at night." There was at least one group of al-Qasr Bedouins who joined the Sanusi in Libya before the start of the war. After the end of the fighting, this group returned to Egypt and asked to be pardoned by the British. They appealed to the Governor of Marsa Matruh that there should be no reprisals taken against them since the Turks had actually forced them to fight for the Sanusi. The British Governor, who was fluent in the Bedouin dialect and considered a great man by the Bedouins, replied to them in the form of a famous Bedouin proverb: "The ropes can be stretched far enough for forgiveness."

175 Traditionally, the Bedouins of the Marsa Matruh area
177 were held in check by an officially created political structure
554 which dated from the time of Muhammad 'Ali. This structure
631 depended upon two political roles for the control of the
648 Awlad 'Ali, the 'umda and the shaikh, neither of which had previously existed in the Bedouin authority system.

428 inherited by a woman's daughters. The carpets and the tent,
562
[422] which are woven by women, are not their property to pass on for they belong to the head of the household, the shaib.

596 Economic change in al-Qasr has had its impact at the
177 level of production mode, and, also, it has affected the
178 composition of the basic family structure. One informant,
[124] who is now nineteen years old, remembers growing up in a household composed of his grandfather, father, father's brothers and their families. Since that time, his father has built another house away from the family home; one uncle has moved to Marsa Matruh and opened a shop there; his youngest uncle has built a house not far from the family home; and one uncle remains with his three wives in the original house. This fission-type process is not uncommon in a segmentary society, although as a traditional process, it represented a mechanism for dealing with ecological pressures. In the modern case, in al-Qasr, the process of fission in the Bedouin social structure proves to be an adaptive mechanism also: the fragmentation of lineage property and relations is a positive condition for the transition to a cash and market economy. Among most of the families of al-Qasr, as market orientation increases brothers begin to economically differentiate their tasks and interests with an eye to individual profits.

182
177
*613
433
434

619 the segmentary system is considered by the Bedouins to be a
*613 monolithic unit: "The Awlad 'Ali are one." But, as with all other segmentary lineage systems, in al-Qasr levels of segmentation reflect degrees of corporateness.

*613 Furthermore, the ideology of structural unity dissolves
178 before the empirical evidence of fission and fusion, processes
619 characteristic of the segmentary society in general. These processes are not common in al-Qasr during the present time. But they must have been in the past, because the segments which Murray (1935) names as making up the Ali Ahmar include only one of those which currently comprise the tribe. The
[578] only admission of fission which I could obtain from my informants was that, at one time, 'Ailit Ma'fas was a tertiary
• [124] segment of 'Ailit Lazumi (see Figure 3). I received this information from a number of my key informants so that it can be accepted despite a denial to the contrary by some of my other informants. There is no empirical link below the secondary level to be discovered in the genealogical maps of these two groups; kinship ties have been manipulated to coincide with ideological claims. The fact that these two lineages are now the wealthiest and most powerful in the al-Qasr area may be an indication that economic and political motivations undermined the unity of 'Ailit Lazumi in the
*613 past. We shall have occasion to return to this opposition
178 between the Lazumi and the Ma'fas when we discuss political
578

595 One of my in-
•124 formants, a wealthy man and a poet, said that since he could not love two women equally he would never take a second wife. He also said that he was unwilling to give his daughter to a man who refused to promise him that she would be his only wife.

593 Throughout his life, the father is dominant and his washuun is subjective. He is the master of his naja' and the
[596] social behavior of his wife and offspring toward him has both a moral and a pragmatic aspect. They show respect and obed-
[768] ience because "it is the decent thing to do;" further, just as he provides for their material needs while he is alive, so the property which he leaves them will sustain them after
428 his death. As we have already noted, in theory, the daughters
[562] inherit one-half of the shares which the sons receive; in fact, females inherit only if they are the sole survivors of the male. But the surviving wife, or wives, will take a cash amount equal to their brideprice from the husband's estate. The Bedouins say that this price will be paid before any other inheritance shares are distributed. In addition, the
768 wife has the right to remain in her husband's house or tent, and it is the duty of the eldest son to look after her. She may remain at home until death, provided she never brings a man who may be considered a prospective husband into the house.

593 The rights and duties involved in the father-washuun relationship show that the ideal authority structure of the

582 "parallel cousin" (i.e. bint 'amm) is perfectly interchangeable
114 with the term "parallel-cousin once removed" (i.e. bint ibn
196 'amm, "daughter of the father's brother's son"). After I
[124] had familiarized myself with the genealogies of al-Qasr, I began to realize that many of my informants were using the term bint 'amm to refer to the parallel-cousin once, twice, or even thrice removed. When I pointed this out to one of the Bedouins, he replied: "So what, there is nothing forbidden about this type of marriage." Table 5 shows that this is
582 indeed the case. There are a number of cultural ideals
183 which influence the practice of marriage in al-Qasr: endo-
182 gamy is encouraged because it cements and intensifies corporate ties; exogamy is desired because it widens the web of kinship; men prefer younger women to older women and may utilize their cousin-right privilege to realize this preference.

582 The Bedouins of al-Qasr define the bint 'amm over a
829 wide range. One informant said that "all of the girls of the Awlad 'Ali tribe are my bint 'amm, we are all one." Another said to me, that "any girl of the 'Ali Ahmar is a man's bint 'amm." And yet another informed me that "a man of the Qinaishat tribe will reserve his daughter for me before he will give her to an outsider." Ideologically, a bint 'amm seemed to be anything except the father's brother's daughter. This is quite convenient for the Bedouins because an ideological concept can be placed anywhere along the scale of actuality

554 1952:165), and the role rajal khair along with the other roles
627 concerned with political action, the 'aqila, shaikh, and 'umda,
692 represent political organization in al-Qasr. Although the role of rajal khair is not institutionalized to the same degree that the others are, we shall see in the next chapter that it is an important one for an understanding of power relations in al-Qasr. All of these roles carry with them some type of right to make binding decisions in matters regarding conflict regulation. That is, an individual should take his
* [613] claims to the 'aqila, but may take them to any of the other political specialists. In any of the cases, the litigants concerned become bound by the decision of the third party.
* [613] But only at the hand of the 'aqila can a decision be made
[695] which will effect a whole group, i.e., only an 'aqila can
[682] give judgment against a corporation for the blood-money in a case of homicide (Schacht 1953:328).

691 If, however, blood-money is not an immediate concern,
692 the litigants may utilize any and all of the political roles
* 613 available in the judicial system. A statement from one of my
554 informants, an 'aqila, is useful here.
627
• [124]

> The bait is made up of thirty or fourty men, and there is one most important man (rajal kabiir), the 'aqila. The 'aqila puts an end to problems, he sees who deserves this and who deserves that. Problems must be settled. It happened five or six years ago that I and my paternal cousins quarreled over land at Wadi Raml. I went to the police station and complained to the shaikh of the 'Aishaibat. I asked him to choose a person to judge

571
678 other than those dealing with blood-revenge too. For instance,
*613 in matters concerning personal debts incurred, the group is
571 not responsible for the individual. The Bedouins say that if
672
*613 a man has the money he must repay his debts: if he does not
426 have the money, then he must ask a rich relative to pay his debts for him. He is then in debt to his relative and, out of respect for him, should not borrow money or go into debt
[558] again. If he does, he will bring dishonor ('ar) to his
[681] family and they will, ultimately, banish him. There was dis-
682 agreement among my informants as to whether or not they
*613 should contribute to a diiya which was compensation for an
829 intentional slaying. Some said that they would not question
•124 the motives of their kinsman who has killed because "we are together in the good and the bad, and I must pay for him just as he must pay for me." But others held the opinion, which I feel was a prevailing one, that one must take into account the justifiability of the killing. This seems to have been the case in the past, for the Bedouins say that traditionally the bait of the killer had to pay one-half of the diiya.

*613 All things political somehow relate to the payment
682 of blood-money. We have seen that the essential function
681 of the 'aqila, and even the condition of his taking office,
182 refers to the responsibility of collecting the diiya from
571 the members of his group. The criterion of being a member

I checked the contents of this document with my own informants who agreed that it was authentic and represented the 'awaiyid as it should be practiced. Almost the whole of the 'awaiyid refers to the circumstances surrounding the occurrence of killing and the payment of the diiya. The case studies which I present below reflect the 'awaiyid as it was practiced in 1935.

Blood-money is calculated relative to three things: whether or not a killing was premeditated or accidental; the sex of the victim; and whether or not the victim was a freeman or a slave. The full diiya is paid in the case of intentional killing, and three-fourths of this amount is due in the case of accidental killing. The diiya for a woman is one-half that for a man whether or not the killing is intentional. There are no slaves in al-Qasr, only their descendents who are now freemen. In the case where a pregnant woman is killed, the foetus will be examined and should it prove to be a male then the full diiya will be due.

An important mechanism for conflict regulation in the Western Desert is the nazaala, i.e., "the act of taking refuge." If a killing is committed, the killer immediately seeks protection by going to the residence of a neutral third party. The third party, who may or may not be an 'aqila, and his lineage give protection to the whole tertiary segment of the killer. This may involve the actual relocation of the killer's bait to the residence of the protecting group for

682
683
671 Since Bedouin law, and not Egyptian law, still prevails in al-Qasr, personal injury cases must be expedited according to the 'awaiyid lest the greater sanctions embodied in the principle of self-help follow. Sanctioned fines for death and bodily injury are standardized in al-Qasr and in the whole Western Desert. One informant, a rajal khair ("good man") who sometimes adjudicated quarrels, possessed an authoritative paper which listed the injury and ensuing fine prevailing in al-Qasr when I was in the field. Below are the contents of this paper. The comments in parentheses were made by the man as I translated the paper: they were offered as the rationale behind Bedouin law.

[124]
[627]

L.E. 400 - for inflicting an injury upon a person which renders him sterile.
400 - for the intentional death of a man with a gun or knife.
400 - for causing the loss of a man's nose, ("Because to cut up a man's nose is to make him ugly.")
400 - for causing the loss of a man's eyes, 200 L.E. for each eye, ("Because without eyes a man can do nothing.")
400 - for causing the loss of a man's ears, 200 L.E. for each ear, ("Because a deaf man cannot work.")
300 - for the death of a man if caused by beating with sticks or stones, ("This is unintentional, for if you really wanted to kill the man you would use a better weapon.")
200 - for the intentional death of a woman with a gun or knife.
150 - for the loss of a hand.
150 - for the loss of a leg.
10 - for the loss of a front tooth, ("Because it is bad for a man's appearange.")
5 - for the loss of a rear tooth.

1: Obermeyer E-5 (1964-1965) 1969 MT9 Libyan Bedouin MT9
'Aishaibat

695
784
• 124

The following excerpt from my field notes concerning Bedouin law will show the earnestness with which informants upheld the function of the oath as a legal sanction.

> I know that you want to find out whether or not the oath will prove the guilt or innocence of a person. Well, it will. First of all, if a man is known to be a liar, those of his relatives who are supposed to support him will refuse to swear the oath. And, if they do take the oath and know that the person is lying, then definitely something bad will happen to both him and them. I will give you a case which will prove what I say. Years ago, there was a quarrel between an 'aiela of Awlad Kharuf ('Ali Abyad) and 'Ailit Abu Qarasa of the 'Aishaibat over the rightful ownership of a Roman well in the desert. The well originally belonged to our family (i.e. 'Ailit Abu Qarasa). The Abu Qarasa requested that the oath be used to settle the matter, and that twenty-five of the Awlad Kharuf swear that the well belonged to them. They swore the oath and the case was finished: the well went to the Awlad Kharuf. The Abu Qarasa could say nothing more since the oath had been taken. But listen to this: within one month's time of taking the oath, seven of the twenty-five Awlad Kharuf swearers were buried. At the present time, only three of the original swearers are still living. One of these three begot only girls, and when these girls married all of their marriages ended in divorce. Another of the three survivors has a son who lost an eye and an arm in an accident. And the third man, he has not married yet. Some of these men who died were very young at the age of death. You see, if I steal 10 L.E. and swear that I did not, then God will punish me ten-fold. God's punishment may strike my animals, my family, or my money; God will take his vengeance through these three means. You should always remember that the life of one man is worth one-hundred wells.

695
784
*[613]

The man who swears the oath places himself and his group in ritual danger. The above description of the oath and its possible consequences show that the Bedouins believe divine punishment can work indirectly. One case-study presented

121 external system, however, the law recognizes retaliation, a
681 life for a life. Still, even in this case, Bedouin values
682 expressed through the 'awaiyid try to avert bloodshed and
[182] feuding by showing "the good path" and providing the means
[671] for settlement through compensation.

Just as the Bedouin accepts the 'awaiyid as a set of
681 of ideals calculated to regulate conflict, he paradoxically
682 claims the right to impose retaliatory sanctions as a just
182 conclusion to conflict. One Bedouin said that the greatest
[671] sin which a man or group can commit is to accept the diiya
[673] and then take his blood-revenge and return the money. Presumably, a person or group commits no outrage if they refuse the diiya with the understanding that blood-revenge will be
[626] taken. In al-Qasr, retaliation and the 'awaiyid are mechanisms
[671] of social control and dispute settlement. A political office
* [613] exists, i.e. the 'aqila which functions over the total range
[692] of political action, and the process of adjudication and compensation in the form of indemnity payment represents an institutionalized alternative to retaliation. In all cases of dispute, ritual or religious sanctions back up social
[776] sanctions. God is a third party to all conflict, and this is
[695] made manifest in the reading of the Fatiha or the oath-taking
128 ceremony. In order to describe how authority and sanctions
68 operate in Bedouin society, a number of examples are presented
• [124] below. Some of the cases are the statements of informants about
[114]

what happened; some of them are my translations of legal documents which informants permitted me to see; a few of the cases happened while I was in the field and represent my reporting of what happened. I have arbitrarily divided the cases into those involving personal injury and those concerning property rights. In each case, I indicate at which level of the authority structure the conflict and settlement has taken place.

Legal Cases Pertaining to Personal Injury

Two cases of killing have been discussed previously. Below are a number of cases dealing with personal injury which occurred in the external political system at the various levels of segmentation. The first three cases involve conflict between secondary lineage segments of the 'Aishaibat tribe; the next two cases take place at the primary and sub-tribal levels, but note that secondary segments are the actual functioning units involved; the final case, an unusual one, deals with conflict with "foreigners" at the tribal level. Note that the 'aqila as a corporate representative is active in these cases. The third case presented below is a translation of an actual document showing how the nazaala (discussed above) functions as a formal mechanism of conflict regulation.

554 It would be considered "wrong" for the members of
571 this group to present themselves at an al-Qasr wedding party,
[577] or the annual celebration held in honor of a local saint of
[585] the area. When I inquired about the conspicuous absence of
[796] some of my chief informants from such gatherings, I was told
[124] that "they will send their gifts," or that "it is not decent
[431] that they come to something such as this." In terms of
554 Bedouin social structure, there are a number of plausible
571 explanations for this "status separation." Fathers should
182 not attend public affairs at which their sons may be "per-
561 forming," i.e., young men should be allowed to play a public
[593] role outside the confines of the father-son authority structure. By virtue of the extension of the father role, and its corresponding authoritarian attitude, every member of the elder age-set commands certain rights and obligations which would prevent the free expression that is the hallmark of Bedouin parties. Conversely, and at the more general level, members of the "status group" who wish to remain members of this circle accept certain restrictions on social intercourse. At the five different Bedouin "parties" which [114] I attended, there were "elders" present, but none of them could be classified as members of the "status group." Bedouins plainly state that elders should not attend parties, but, on the other hand, they show much more concern and emotion when they say that a member of the "status group" should not "be

554 hence the rajal khair represents a face-saving mechanicsm
571 and an alternative which is needed. The rajal khair may even
627 [829] violate group norms in acting to restore the balance of
* [613] honor: he may lie with intent to deceive, behavior which at
[577] any other time would be considered "wrong" by the Bedouin.

An informant said that

[539] the real rajal khair is a man who goes to men in a quarrel and asks them to be on good terms and to avoid the devil. He uses good judgement in quarrels. In this case, he may even have to lie. He goes to both parties and listens to them insult each other, but when he returns he tells each that the other is a good man and wishes to settle the quarrel. He tells them: 'Do not let the devil interfere.' He tells each that the other wants his friendship.

554 I pursued the detail that a rajal khair may lie to restore
571 peace, since other informants had made a point of this. My
577 informant then explained:
627
• 124 I don't want to commit myself because no one knows
[539] if the rajal khair is really lying; the men at the time of the quarrel do not know that he is lying. Not all men are rajal khair: there are only a few. The rajal khair puts himself in trouble to help others, therefore, the people do not want to harm him (by thinking ill of him). The rajal khair must be a good man and help others, and he always speaks the truth. He lies but he is doing good, and the people do not want to harm him. When the rajal khair lies, a man does not lose his rights. A man tells the rajal khair this; he tells him that he does not want to lose his rights, and he does not care what he says as long as he does not lose his rights.

554 of the Bedouin attitude, or lack of it, toward religion.
792 Since the time of Muhammad, the Bedouins have been considered
771 notoriously bad Muslims. Today, the Bedouins tend to joke
about their lack of zeal, and often point out that "holy
619 men" are not to be trusted.[2] This is seen in Sa'adi behavior
771 toward the Marabtin tribes who are their vassals. Theoretically,
792 the Marabtin who trace descent to the Prophet and might be
554 considered "sacred Tribes" should be respected by the "secular"
[778] Sa'adi tribes. But the Sa'adi of al-Qasr tend to deride the
554 Marabit. For instance, the "holy man" of al-Qasr, 'Amm Salih,
792 is a Marabit and well-known for his ability to successfully
627 mediate in conflict situations. But one informant, pointing
619 out this gift which 'Amm Salih possesses, said: "Amm Salih
is a good man, he is not a Marabit." But 'Amm Salih identifies
himself as a "rajal saalih" and a "Marabit"; he sees no role
conflict here.

771 The Bedouins also joke about the manner in which they
[522] practice the "pillars of Islam." Especially, they make light
of the fact that they are irregular in mosque attendance.
They say, with a slight smile, "we pray in the desert." A
• [124] common way for an interview to end was by an informant rising
and saying: "Now I must wash for prayers." This happened

---

[184] [2]Professor Abou-Zeid also notes this trait in his study of the Bedouin near Sallum, on the Libyan border (1966:248).

771 at any time of the day! As one Bedouin put it: "According to the idea of goodness (salih), we are not good. This is because we do not pray, we are part-timers in prayer."

554 792 778 A good rajal saalih is considered by the Bedouin to have a special "blessing" (baraka), a concept somewhat equivalent to that of mana. Someone such as 'Amm Salih is thought to have baraka, and this type of power naturally increases his influence and enhances his status. The following [124] informant's account brings this out and shows something of the magico-religious element at work in Bedouin power relations.

[539] Hajj 'Ali does not believe in magic but he respects the "holy man" like anyone else. He owns a field from which are taken stones for building houses. One day he saw some men taking stones from this field. They were digging near a well so that the well would not be able to hold water after they had finished. Hajj 'Ali told the men to stop digging. One man answered: "I am cutting these stones for the Jaraira family (the family of 'Amm Salih), and only a few more and we will be finished." Hajj 'Ali replied: "For the Jaraira as for anyone else, we don't favor anyone, so stop the work now." Then Hajj 'Ali went home, never thinking that they would cause any trouble for him, and he was afraid of no harm. He slept and he had a dream. [787] In the dream he saw three of the Jaraira family, all of whom were dead and whom he had known in life. In the dream they only watched him and spoke no words. In the morning Hajj 'Ali went to the co-operative society's office and there he met 'Amm Salih. He said to him: "'Amm Salih, I want to tell you something." Then he related the whole story to him, and said: "I had no fear that you would do me any harm. But last night I saw your relatives in my dream; I had not even thought of them yesterday, so they are not the cause of the dream. [828] (The Bedouins believe that dreams reflect, and are connected with, what you saw or did during the day). So come and take all of the stones that you want, even if you are going to build a palace."

554 792 his role.

The people of al-Qasr identify 'Amm Salih as the "holy man" in the area. In my interviews, when I asked for [124] [627] the name of a party, besides the 'aqila, who solves the Bedouins' problems, the answer was either Hajj 'Ali, the rajal khair, or "the Jaraira family." (This refers to 'Amm Salih and his brother.) When I asked for the name of a man who could tell me "how the Bedouin should act," the only name mentioned was that of 'Amm Salih.

554 792 627 'Amm Salih says that he solves many problems, not all of which deal with marriage and divorce. He claimed that he could settle conflicts over land and water. Just as a man may choose to go to the rajal khair, so also might he go to the rajal salih. Often enough, the selection of a "third party" will be determined by his propinquity. One 'aqila told me: "Salih Jaraira is a good man . . . If two men wish to accept Jaraira's decision, and if he lives near them, it is all right. If Jaraira cannot solve the problem, then they [613] [571] will return to the 'aqila. The 'aqila can solve it or he can call in other 'awaqil who can solve it."

[114] When I asked 'Amm Salih for case studies of problems which he has handled, he said that he would not reveal them because they are private affairs. He was willing, however, to describe the method in which he solves a problem.

114 until sometime after my departure from the field.[5] Never-
634 theless, before I left the field I discussed the pending
666 election with some of my informants and members of the
114 "status group." The interviews reveal that the "status
634 group" still intends to dominate the area of power relations
666 with the government. As one informant said: "The present
•124 'umda and the one before him were from Bait Bu Taram of
829 'Ailit Lazumi, and the next one will be from Bu Taram also."
*[613]

The tenacity of traditional politics and the influence
634 of the "status group" are reflected in the affairs surrounding
571 the election of a new incumbent to the office of 'umda. In
666 this situation, all Bedouins become concerned more with the
distribution of power than with the actual person who will
124 fill the authority role. One informant, an 'aqila, gave
*613 indication that formal authorities support the "status group"
634 and the distribution of power which they represent and maintain.
571
666

> Mustafa, the brother of the 'umda, takes his place while he is in Cairo attending Parliament. The 'umda told me that he was going to ask the 'awaaqil to sacrifice (i.e. slaughter a lamb) and write a paper making Mustafa the new 'umda. (Here I told the informant that I had spoken with Mustafa about this, and he told me that he did not want to be the 'umda). Even if Mustafa does not want to be the 'umda, the 'awaaqil will force him to accept . . . It should remain in the same family, it would be a shame if the office went to another family. Mustafa's father and brother were 'umdas before him. If the office left the family,

---

[5] Technically, the 'Aishaibat were without an 'umda while I was in the field. However, he spent enough time in Matruh that he was able to carry on his duties until his successor could be named.

124 If the office left the family,
613 all of the lineages would be fighting over it . . . The
634 job should stay in Bait Bu Taram; if this is impossible,
571 then it should stay in 'Ailit Lazumi. In any case, the
666 'awaaqil will decide.
578

A change in the present locus of legal authority in
634 the Bedouin-Egyptian government structural relationship
178 would amount to a re-structuring process, and could lead to
121 serious conflict. In the very least, it would call for a clear explanation and new statement of social reality since it would challenge what is, and "has always been," a legitimate distribution of power and political order.

634 The office of the shaikh is not a potential power-
554 base by comparison with the office of 'umda. The shaikh, rather than being in direct communication with the Governor, executes the official orders made known to the 'umda. As an administrator, he takes care of issuing drivers' licenses, notifies men of their military draft status, etc. The government sees this as a necessary post because of the difficulty of contacting Bedouins deep in the desert. In one sense, the shaikh's office is becoming less functional as the Bedouin move in from the desert and begin to take part in the national society, but in another sense it is becoming more functional as bureaucracy and red tape become increasingly complex. But the shaikh remains in the shadow of the 'umda. He never substitutes for the 'umda, for this would infringe on the rightful power of the 'umda's family; when the 'umda is absent,

121
554
571
156 My approach here is to state the problem of authority and change using a case study of one man whom I consider the most prestigious member of the "status group" of al-Qasr. He is a member of the "status group" by virtue of his wealth and family connections; he has reinforced and enhanced his "status honor" by the practice of intervening into various conflict situations and mustering support, favors, and loyalty as he goes; and he has proved his "superiority" by excelling in the outside business world. All this he has done while remaining a "good Bedouin."

•124
554
156 The name of Hajj 'Ali appeared time and time again as my research progressed and increasingly concentrated on the authority structure.[2] I asked questions which required the informants to name a person in al-Qasr to whom he would go if he needed help, money or advice. I asked: "Who is the leader of the Bedouin?";"Who knows the wants and needs of the
[571] Bedouin most intimately?" On the basis of the data collected in this manner, I was able to perceive a "status group" and gain an idea of the real leaders of al-Qasr. It also gave me a working knowledge of the local role structure. Hajj 'Ali's name came up with the highest frequency in the questionnaires, and my observations and interviews with him corroborated his central place in the authority structure.
[126] I also recorded the life history of Hajj 'Ali's son, and gained valuable insights from this data.

---

[2]The name, Hajj 'Ali, is of course a pseudonym.

156 with four wives. It is not hard to understand why the people
159 of al-Qasr consider Hajj 'Ali a rajal khair par excellence.
554 For instance, when I asked one man it he could give me some
627 examples of court cases, he replied: "The one who is not an
•124 'aqila pays no attention to anything save getting food for
his children. The rajal khair has money and men (a reference
to the "old days" when a person needed cohorts for battle),
and so he always pays instead of us. He lends us money and
helps us in doing anything, like Hajj 'Ali does." In another
124 interview, one man showed great respect for Hajj 'Ali's tradi-
156 tional status and modern ability to deal with the outside
159 world by giving him the honorific title of "shaikh," and
554 showing that the Bedouins of al-Qasr put their trust in him:
439 "When the olive merchants come from Alexandria, they go to
492 Shaikh 'Ali, someone who knows about olives. They ask him
245 what kind of olives al-Qasr has. He shows the merchants, and
they say: 'I will give you so much for them.' They make an
agreement, and Hajj 'Ali collects the olives and gets the
price for them."

156 In terms of local politics, I would guess, but do
159 not have data to prove, that Hajj 'Ali was the third party
554 most frequently referred to in seeking a termination of
[627] conflict. He was commonly asked to participate in these
[114] matters not only by the disputants themselves but also by
the 'aqila or other third party presiding. He was sometimes

He was sometimes asked to sit-in as a witness for important contractual matters. Note that in the rawaabit al-'awaaqil of Bait Shafaila of 'Ailit Lazumi (presented in Chapter Four), Hajj 'Ali who is neither from 'Ailit Lazumi nor an 'aqila was present to sign and validate this document.

Hajj 'Ali, then, operates in the micropolitical system and the traditional authority structure of al-Qasr. But what is just as important, he has secured a firm foothold in the modern bureaucratic structure of the near-by town. He straddles both camps. The Governor of Marsa Matruh was an important aid to my understanding of Hajj 'Ali's role as "broker." The Governor claimed that the British first introduced the roles of 'umda and shaikh; they did this to "control the Bedouin" and to "get the men out of the tents." He explained in his own way what he considered to be the structural differentiation of political roles in al-Qasr.

> Let me tell you, these fellows are very clever. They have an 'umda . . . he comes to my office and says: "I want this and this." I say, "No." Then he goes back to the 'awaqil and tells them that, and then these fellows begin to think in what way they can get what they want. But the 'umda is nothing; it is the 'aqila whom the Bedouins listen to and love . . . The 'umda is elected (at this time) by the Bedouins. They put forward a man who hesitates, one who can say yes or no . . . But there is a real leader for the people, this is a man such as Hajj 'Ali, here is a man the Bedouins love.

The Governor said that Hajj 'Ali speaks well and thinks well. Twice in the interview the Governor said that

124 635 156 159 554 #[613] Hajj 'Ali "became an 'aqila by his way of life." Of course, the fact is that Hajj 'Ali is not an 'aqila at all. Although I feel that the Governor should understand the Bedouin authority structure, he is not alone in his misconceptions. The chief agricultural engineer for the G.D.D.O., who works very closely with the Bedouins of al-Qasr, also thought that Hajj 'Ali was the 'aqila of Bait 'Umar in 'Ailit Ma'fas. Furthermore, and most impressive of all, one 'aqila in 'Ailit Dawlat and his four sons all thought that Hajj 'Ali was the 'aqila of Bait 'Umar. There is more here than just ignorance of Bedouin society on the part of officials, and disinterest on the part of the Dawlat 'aqila. There is good reason for these different parties to mistake Hajj 'Ali as a key traditional "authority," or spokesman for his corporate group. It seems clear that in their respective dealings they must have encountered Hajj 'Ali in some kind of representative capacity. The 'aqila who insisted that Hajj 'Ali was an 'aqila, even after I pointed out that he was not, lived outside the 'izba sector and hence mistook an important rajal khair for an 'aqila. The Governor understandably mistook the most influential man in al-Qasr as an 'aqila.

635 648 [554] [156] [159] There are other traits which qualify Hajj 'Ali as the singular leader of the Bedouins. A few years back, the Governor of Marsa Matruh formed a Governor's Council (Majlis al-Muhafza) made up of representatives of the Bedouin

635 population of the whole Western Desert, and representatives
[648] of the Egyptian government employees working in the province.
[634] The Bedouin representatives appointed to this council need not be an 'umda or a shaikh, although they may be. The oldest Bedouin member of the council, who happens to be an 'umda, told me that "the Governor picks the men who he feels understand the problems of the people."

635 The Governor himself thinks that every Bedouin on
•124 his council is an 'aqila. He replied to my question about
*613 the criteria for membership on the Majlis al-Muhafza: "I am using a new selection system. Rather than choose the 'umda or shaikh, I choose the 'aqila. Every man on the council is an 'aqila, and the number is determined by the population of the area . . . But I appoint more men from the
[619] 'Ali Ahmar (see Figures 3 and 7)[1] than from other tribes. This is because they are more numerous, and they are near Matruh where I am able to contact them immediately. The 'Ali Ahmar are represented by six men and the other tribes by just three men."

156 Hajj 'Ali is one of these six men and the only member
159 of the Council who resides in al-Qasr. I attended and ob-
554 served the December meeting of the Council. The Governor
635 sat at the head of a long table with the Egyptian representa-
648 tives on either side of him. At the other end of the table
[114] sat the Bedouin representatives, Hajj 'Ali among them. Purely

1. [See pp. 65 & 77 respectively--Analyst]

156 159 554 635 537 634 122 522 and they sat on chairs inside the tent. I returned to Marsa Matruh in the 'umda's car (1964 Ford, highly polished) with the 'umda and the shaikh. They openly joked about Hajj 'Ali and his manner of presentation; they repeated some of his "stilted" phrases and laughed. Hajj 'Ali gave last year's reception speech also. This is because, his son says, Hajj 'Ali is considered a fine speaker by the Bedouins of al-Qasr.

121 177 178 We can see how these details carry larger implications within the context of political and social structures undergoing change. It is the stuff which the anthropologist finds important for an understanding of the process of change.

156 159 554 177 178 If I have established thus far that Hajj 'Ali is politically active and representative in both the traditional and the modern systems, then the attempt is now to prove that he consciously seeks to change the traditional in the direction of the modern for political and moral reasons, and for social and personal reasons.

156 159 554 177 178 124 829 571 Hajj 'Ali, when he spoke with me, inevitably came around to the subject of international politics, whether this was the question of Israel or the image which America's racial problems presented. Hajj 'Ali was the only man from the whole Marsa Matruh area who was neither shaikh nor 'umda to attend the nomination of Jamal Abd al-Nasser in January of 1965. In all of this, I detect a move on the part of Hajj 'Ali to identify himself with an Egyptian reference group and to

156 draw al-Qasr into the Egyptian political community. He has
159 committed himself to work hand-in-hand with the Governor of
554 Marsa Matruh in introducing changes connected with economics
177 and education into al-Qasr. He does not conceal this fact.
178 When I spoke with him about helping me with my study of
124 changing attitudes in al-Qasr, he said: "I might have the
829 time to do this, but before I decide you will have to bring
[571] me a letter from the Governor stating that he wishes me to cooperate with you." The identity and responsibility which Hajj 'Ali feels for his role of agent of change is indicated in his remark to me that he had heard "there were others in the desert who feel and think the way I myself do."

156 Hajj 'Ali is discretely aware of the status difference
159 between himself, as a member of the "status group," and the
554 others of al-Qasr. As Weber would say, he perceives the
571 difference in "style of life." I was invited to Hajj 'Ali's
574 house for 'iid al-fitr, the feast marking the end of Ramadan.
796 I thought that this would be a good opportunity to observe
123 the "leaders" of al-Qasr together. I was very much surprised to find present no members of the "status group" but only
[656] their exact opposites. On the occasion of this feast it is
[735] the custom that the rich treat the poor. As an additional surprise, we had a very simple meal of bread, dates, peanuts, and tea. Hajj 'Ali explained to me: "My neighbors do not have my economic advantages, and I do not think it is proper

* 613 602 571 682 at this lineage level must bear collective responsibility in matters of compensation and blood-revenge. This principle, as we have seen, is extended until the whole 'aiela is included in a symbolic expression of corporate group solidarity. In order for this expression to persist, of course, the mechanism, or ideology, of blood-revenge must be maintained.

• [124] All of my informants, though they disagreed over the details of revenge, insisted that it was the inviolable right of the 156 Arabs. But Hajj 'Ali took exception to the practice of blood- 159 554 829 682 revenge for a number of reasons. He said:

> The world changes. Before it was only the 'awaiyid Awlad 'Ali and the Border Guards which kept order. The government now enters into the matter of killings. Personally, I do not agree with the custom and the way it operates. In the case of killing, for instance, someone who is not worth anything, and has no brains, kills one from another tribe. Then the tribe of the [178] killer asks for the nazaala, and a third party becomes involved. The third party agrees to guard the killer's bait for twelve months and the business of all those involved must stop. A member of the third party's family must accompany each member of the killer's tribe. But even after the twelve months one must live in fear at his own home, for after the twelve months the tribe of the deceased will try to kill the best man in the killer's tribe. How many good ones do we have in one tribe? I have heard that in Algeria, Morocco, and Tunisia the deceased man's family has the right to kill the killer only . . . (I then commented that perhaps blood-revenge functions to discourage killing in the desert.) But there are unbalanced people who actually commit murder just to tease their tribe: they have nothing to fear because no one is interested in killing them in retaliation.

In challenging the Arabs' traditional right to blood-revenge, Hajj 'Ali--besides questioning a structural basis of

156 tional style of Bedouin hospitality--"as we used to do in
159 Cyrenaica"--and spent a total of 50 L.E. for the welcoming
554 ceremony. "This money was from his own pocket," as the
829 Bedouins of al-Qasr complained after it was learned that
574 the vice-President would not visit Matruh after all. As
648 a matter of fact, all of the Bedouin leaders who had been
invited to the reception by Hajj 'Ali refused to eat the
food, for they said that it had not been prepared for them.
[576] This act was taken as a show of respect for Hajj 'Ali and
anger with bureaucrats.

156 Hajj 'Ali is the representative of al-Qasr to the
159 Arab Socialist Union which meets in Marsa Matruh and has
554 cell meetings in al-Qasr. The socialist cell in al-Qasr
648 meets about three times a month. When I asked why Hajj 'Ali
668 was the man chosen to represent all of al-Qasr at section
• [124] meetings of the Union, the reply was: "Because he is a member
[635] of the Majlis al-Muhafza." There was one section meeting
of the Union in Matruh while I was in the field. The theme
of the meeting was "The Meaning of Socialism." Hajj 'Ali
attended this meeting.

156 In sum, it seems not too far afield to say that Hajj
159 'Ali is prepared to take over the leadership of the Bedouins
554 in a much more sophisticated manner than one could possibly
expect from the traditional style of politics. Hajj 'Ali's
[634] comments about the 'umda and the 'umda's probable successor

element of reasonableness is a universal principle in any judicial logic. Nadel reacts to Gluckman's implication of the universality of the concept suggesting that it is valid only in certain contexts, and that the cases reported by Gluckman from which he abstracted that concept are minor ones. Nadel maintained that the principle seems inadequate in major crimes such as homicide, witchcraft or assault. "If I am right, the Lozi would, in these situations, discard their guiding fiction of 'reasonable man' for the sharper dichotomy of things simply lawful and unlawful, permitted and forbidden" (1956:162).

METHODOLOGY

One of the characteristics of legal anthropology is the absence of a coherent body of theory that could be utilized in the analysis and interpretation of the ethnographic data. What do exist, however, in the area of the ethnography of law are a variety of what may be called "tools of analysis." These are mainly methods and orientations which help to direct the researcher's attention to a certain area of behavior which describes best the phenomenon under study. Their main purpose is to help the researcher isolate particular portions of the phenomenon he is studying and as such enables him to conceptualize the problem. A number of these tools have been employed in the present study. One of these tools is Turner's "social drama" which was employed in the analysis of the political leadership and the judicial process. Since this approach depends upon the intimate knowledge of the sequential development of a given case, or cases, over a period of time, it was quite difficult to employ it in more than that particular context. As will be apparent in the later chapters, the judicial process among the group is highly informal. Most of the disputes are settled by means of mediation which is done behind the scene and with a great deal of secrecy.

I managed, however, during my stay to be closely in touch with one of the major cases and with almost all the parties involved. This case was used as the basis for the "social drama" analyzed in chapter three of the present study. 12

In addition to the social drama, I have used the case study method to analyze aspects of the substantive law of the group especially with regard to concepts such as that of criminal responsibility and the nature of the contractual relations as exemplified by the marriage contract. Cases utilized in the study include ones that I observed myself as well as cases taken from texts and some which were told to me by informants. 121 127 [124]

Most of the data was collected through the time-honored technique of participant observation which was facilitated by the fact that the group spoke the native language of the researcher (or vice versa). Formal interviewing was conducted on a very limited scale, thirty-five extensive questionnaires in all. These questionnaires were originally designed and administered to supplement the life history material and to assess the attitudes of the particular people involved with regard to particular issues. Some of the results of these questionnaires are used in the chapter. Due to the non-representation of the sample interviewed, these results are used merely as illustration and not as representing any kind of statistical frequency. 123 122 124 125

ENTRY TO THE FIELD

It is common among anthropologists to talk with nostalgia about their field experience and about the group they studied. This usually gives the impression that field work is always an enjoyable experience. Although my field work seems at the present time to have been a pleasant experience, especially when comparing it to the pressures of everyday living in a 114

from the process of dispute settlement; and the semi-nomadic nature of the population in the area. 114 123

The reliance on the case-study method and especially that of Turner's "social drama" which requires extensive and detailed knowledge of the sequential development of a number of cases over a long period of time proved to be a major task in a society where disputes are settled not in formal hearings, but by means of informal mediation and behind the scene negotiations. These activities covered a large area, and were shrouded in a great deal of secrecy. The assumption is that the parties involved in the dispute should be given the privacy and chance to arrive at an acceptable settlement without being conscious of or influenced by the opinion of non-interested parties. The public hearing, or the mi'ad, loves the announcement of the agreement arrived at in private. As will be seen later, very little factual information about the dispute is discussed in the mi'ad. No record is kept of either the discussion in the mi'ad or the preceding negotiations. The process of dispute settlement is, then, highly decentralized. To be able to follow one particular dispute involves the constant reliance on informants not only to acquaint the anthropologist with the places of negotiations, but also to fill the gaps in the information about the process of negotiation itself. 114 123 124 627 578

As a woman anthropologist, I found myself at a disadvantage in a society where women were excluded from public participation. It is true that from the very beginning of the field work I was never cast into the role of the native woman, yet, my position as a woman posed a certain number of problems. When I first arrived in the area, I made a deliberate effort not to identify with the native women. When it was suggested to me that the relatively short skirts I wore were not practical for riding donkeys 114 123 562

or walking in the strong winds characteristic of the area, and that the floor-length native dress would be more appropriate, I refused the advice for fear of being identified in the minds of the people with the natives, and thus being treated in the same way. The possibility of being identified with native women was not very strong, because from the very beginning I did not act like one. I did things and talked about things that native women had never done or talked about. I drove a car, read, and wrote, and talked about national and local politics. More important than that though, to the tribal population, was that I was a member of the bar association of Egypt, and that I had practiced law for a year in Cairo. Every time I was introduced, the fact that I was an attorney was made evident. This gave legitimacy to my interest in studying the tribal legal system, and in many ways they were flattered than an attorney, especially a woman city attorney, would be interested in their law. Yet, in native clothes or not, in the native female role or not, I was still a woman, and as such I was not part of any serious activity, especially those of dispute settlement. My mere presence in any part of the dispute settlement made the gathering seem somehow less serious. At the beginning of the field work a deliberate effort was made to keep me from knowing anything about the whereabouts of the negotiations or what was going on. I had to bribe men, women and children to tell me where the negotiations were taking place and who they involved, and then appear on the scene uninvited. This condition lasted for about two months. At that time the news of my presence in the area spread around, and I had attended many of the negotiations that men became less conscious of my presence. In fact, some even asked me to attend the meetings where some parts of the negotiations were conducted and give them my opinion as to the fairness of the settlement.

114 123 562

114 123 562 627

[24]

613 682 683 672 558 the victims' families sent their representatives to demand that the money be paid. To face the situation, a meeting of all the Awaqil of Eilat Aggary was called and Sheikh Selouma, the Aqila of bait Eweidha, took the responsibility of notifying the other Awaqil. The meeting was held in [115] the tent of Hemeida (my driver and informant) from the Sanagrah tribe. Each bait was represented by its Aqila with the exception of bait Asabei', from which both Shei'eb and Hakim were present. Since bait Asabei' was the only bait which did not submit to its share of the bloodmoney, the discussion centered around the inability of Shei'eb to collect it. In a gesture which he meant to appear as helping out Shei'eb, Hakim offered to pay not only his share but that of all members of bait Asabei', and followed his offer by handing the money to Sheikh Selouma. After this act which was a complete surprise to Shei'eb, Sheikh Slouma, the Aqila of bait Eweidha, suggested that Hakim should be considered as the Aqila of bait Asabei' instead of Shei'eb, who had demonstrated his inability to collect from members of his own bait. He emphasized the fact that he had nothing against Shei'eb who had legitimately acquired his position as Aqila by means of succession. But he insisted that the survival of the Amar depended upon the fulfullment of its financial obligations to outsiders and that Hakim was wealthy and could pay. Shei'eb did not comment and the rest of the Awaqil nodded indicating their agreement with Sheikh Selouma.

[124] The above is the summary of events that happened before I came to the area, and which were told to me by informants including the parties involved. Since most of these events occurred more than ten years ago,

613 it was impossible to verify the actual facts or to know what exactly
682
683 happened. But since the parties involved are still alive and since these
672 events are closely related to present-day happenings, the case is still
558 alive in the minds of the parties involved as well as those of outsiders-
(124) Naturlaly, each party tries to present the facts in such a way as to
613 support his own claims. Shei'eb, for example, insists that Hakim had
682
683 bribed members of bait Asabei' to refuse to pay their share in order to
156 embarrass him and make him appear as unable to perform his duties as
558 Aqila. "Hakim always had his eyes on becoming the Aqila of bait Asabei'," said Shei'eb, "but he had no business betoming the Aqila, so he had to make me look bad to the other Awaqil.... He likes to be looked up to as a big man, but it wouldn't work." While other members of bait Asabei' deny that Hakim had bribed them, they agree with Shei'eb that Hakim is a
156 dishonest man. In fact, Hakim's reputation is so widespread in the area
551 that it has earned him the nickname of "the thief". The nickname was
788 given to him a few years ago when he went to Mecca for a pilgrimage with
685 another fellow tribesman. The latter told the story that while in Mecca Hakim had found a purse with two hundred pounds in it. He was supposed to return the purse to the authorities or it would be considered as stealing if he kept it. Stealing in Mecca is not only a crime but also a great sin which makes the holy trip void for the offender. Hakim told his companion that he had given the purse to the authorities. But later, on their way back from Mecca, the friend found the purse hidden in Hakim's luggage. When the story was known in the area, he was referred to as
156 "the thief". Other accounts of Hakim's dishonesty are told throughout
685 the area, including stories of how he acquired his wealth through stealing
439

613 was set for a meeting in which Quadra was to announce his decision.
156 Meanwhile, Qudura stopped attacking Hakim and directed his attack to-
554 ward the inadequacy of Shei'eb as the Aqila.
578

The meeting was held two weeks later and all the important people in the area were invited. After dinner was served Qudura announced his agreement with Hakim to become the Aqila of bait Asabei' replacing Shei'eb. Everybody expected Hakim to support Qudura in his claim, but instead Hakim directed his comment to Qudura telling him that there had been a misunderstanding on Qudura's part and that all his message to Qudura was to acknowledge the latter as the Aqila for his own camp alone not for bait Asabei' as a whole as Qudura claimed. This announcement was a surprise to everyone in the meeting since this meant recognizing the camp of Qudura as a separate bait, a result which nobody, including Qudura, had ever anticipated. Qudura was very angry and dissolved the meeting immediately. Ever since that incident, the relationship between
578 Qudura and Hakim has been very unfriendly. Almost all of my informants
156 explained Qudura's failure to show up at the oath as a means of revenge
695 against Hakim who had embarrassed him among the people who attended the
685 meeting. Qudura himself had told me later that the reason for his not
627 coming to the oath was that he was not sure that Rabbu was innocent:
[124]

> Rabbu has been known to do these thins (inform the police) and I cannot trust him. I cannot take a false oath and endanger myself for someone like Rabbuh. Besides, Hakim never came to me to discuss the oath like he did with all the others who were to swear with them. If he had brought his son and come to me before I would have been able to tell whether they were lying or not, and If not, I would have sworn with a clear conscience and without fear. The oath is something that one does not take lightly. It involves the supernatural.

613 When Qudura refused to see Hakim and Shei'eb, Hakim asked Sheikh
627 Saleh, the Aqila of one of the most powerful baits in the area, to talk
156
196

613 a request and examine the reasons behind it in an attempt to remedy them
681 if possible. They have to be sure first of all that by his request the person is not avoiding the paymnet of his share in a particular case.
[675] If this is proven to be the case, then no barawa is granted unless the person pays all his debts to the amar. This, like the amar's barawa of the individual, has to be put in writing.

613 I left the area a month after the meeting held at Qudura's camp.
578 By the time I left, bait Asabei' was almost in a chaotic situation.
[114] Many thought that the outcome would be in favor of Qudura, who would emerge from all the happenings as the leader of bait Asabei' as a whole. Others thought that the only possible outcome was for bait Asabei' to be divided into two or even three separate units with their own respective leaders.

Analysis

114 All events of the second phase occurred while I was in the area.
627 Nonetheless I was not able to observe directly all of these events, due to the nature of the judicial process among Awlad Ali which relies, as has been mentioned earlier, on informal mediation and influence, rather than on formal court hearings. Most of the above events happened behind
[124] closed doors and with a great amount of secrecy. For this reason I had to rely partly on informants' accounts of what exactly had happened between the parties involved.

613 The dispute in its two phases revealed a major weakness in the
627 social structure of the major bait of the Aggary family. As the events
182 of the case unfolded, they shed light on some of the important principles

582 some reason or other cannot marry his cousin, he still has that legal claim on his cousin. She cannot marry another man without the consent
582 of her cousin. He has the right to forcibly take her away and even
582 kill her or her husband in protection of his right. Although in the few cases where this had happened in the past, the groom had to pay full blood money. Such killing, however, was considered as justified and never resulted in retaliation or feuds among the tribal segments involved.

582 However, it is difficult to call cousin marriage among the group
124 "preferential" marriage. In a limited quantitative study I asked 35 tribal members who have unmarried daughters over the age of 12 the following question: "If you had your choice, to whom would you give your daughter in marriage: your brother's son or another man who is wealthier or more respected?" Twenty-six said they would rather have their daughters married to someone other than their nephews. The reasons given were that their nephews did not make enough money to either pay her a good mahr or to support her without outside help. The nine who preferred to marry their daughters to their nephews emphasized the fact that the girl's cousin is likely to look after her interests and take care of her more than the outsider "who may not fear God in his treatment of my daughter," as one of the respondents to the questionnaire expressed it. They also said that their nephew is more under their control than the outsider. They further maintained that a person is likely to know his nephew more than he knows an outsider or a more distant relative. One of the informants put it, "Even if my nephew is a cheat, at least I know that this is all that is wrong with him." All thirty-five informants felt that they were obliged to give their daughters in marriage

582 to their nephews if the latter demanded "because it is the right of
124 the girl's cousin." And all but two said they would ask the permission of the girl's cousin before marrying her to an outsider, even if they knew that the nephew had no intention of marrying her himself, "to prevent the development of difficulties in the future."

On the other hand, when the same group was asked, "If you had your choice, would you rather marry your cousin or another woman who was wealthier or more beautiful," they answered as follows:

Marry their cousin	11
Marry someone else	24
Total	35

Two reasons were given by the eleven who chose to marry their cousins. The first is that they knew more about the temperament and the moral character of their cousin than about the other woman no matter how beautiful or wealthy she might be. Four of the eleven respondents said they would like to marry their cousin because they could not afford to pay the high bridewealth for a distant relative or an outsider. Although the sample I selected was by no means representative of the total tribal population in the area, yet, it points at least to the fact that parallel cousin marriage is considered by the father of the girl more as a duty or obligation than a choice, while from the standpoint of the suitor, it is viewed as a right which he can invoke at will.

582 It seems that many invoke such a right even when they have no serious
557 intention of marrying their bint'amm. The purpose apparent in the numerous cases where this happened was to obtain money from the prospective groom who has to get the approval of the cousin to prevent trouble. In some cases the man invokes his right to force his uncle or the groom to concede to some demands, such as the sale of the right to use a piece

of drastic actions taken in cases of adultery. Of the fourteen cases of adultery that I examined furing my field work, none resulted in the killing of the adulteress, and only three resulted in the murder of her partner. In all three cases where the adulterer was killed, the avenger was the husband; and in all three cases, the husband had to pay the bloodmoney to the murdered man's kin group. His payment of the bloodmoney, among other things, may indicate that the right of the husband to kill the adulterer is not completely accepted among Awlad Ali. All agree, however, that such killings never result in blood feuds because of the shameful circumstances in which the victim dies.

It was very difficult to obtain any detailed or reliable information about adultery cases. All the above mentioned fourteen cases were gathered from the informants, twelve of which were cases which had already been solved. For the two cases which were still open at the time of the study, information was quite vague. Usually such cases are conducted with a great amount of secrecy, with the involved parties referring to them as cases of theft, or merely by saying that the cases involve women. Only when the adultery leads to the killing of the adulteress or the adulterer are more details publicly known about the case.

But while the right to retaliate for the shameful action of an adulterous wife is vague and diffused, the right of the husband for compensation from the adulterer remains clear and undisputed. In this resepct, adultery is treated very much like theft; the adulterer has stolen the husband's exclusive right to his wife's sexual activities. The compensation for this offense is estimated at L.E. 20, in addition to the mahr, if the husband decides to divorce his wife as a result of her adultery.

One informant once told me,
124 "If you don't greet me, this means that you hate me, and if you
576 hate me, there is no limit to the kind of harm you can do me and
829 my family. One who hates you can kill you, and none can walk safely anywhere if he fears that he will be killed."

682 As Sheikh Suliman and Mahdi reached the general store, every-
689 one was gathering there as usual, including the two awaqil who
672 were involved in the original settlement. Sheikh Suliman told
695 Mahdi not to dismount his donkey and not to say the customary
554 greeting as they passed by the gathering. When they passed the
792 gathering, everyone stood to greet Sheikh Suliman who ignored them
576 and left with Mahdi. No one believed that Sheikh Suliman, who should be the guard of the tribal tradition, should commit such an unforgivable violation of the norms of the people. The next morn-
682 ing the whole area was talking about a big Mi'ad to "take the right"
689 from Sheikh Suliman and Mahdi, who had insulted the gathering. The
672 Mi'ad was held a week after the incident. During the Mi'ad, Sheikh
695 Suliman was asked to explain his behavior, and his answer was, "How
554 do you want me to greet all those people who were sitting in front
792 of the store? There were more than thirty men in that gathering,
576 and I was afraid that if I said the customary greeting, I might
627 have startled some of them causing them to harm themselves, leaving me with the payment of so many bloodmoneys." Immediately, the attendants of the Mi'ad knew what Sheikh Suliman was referring to, and that his action was to prove that the settlement reached in the case of Mahdi was wrong and that it set a very dangerous precedent which would cause people to avoid greeting one another, "and hatred will prevail among brothers and nobody will be safe in his own home."